

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7504

In Re: PAUL NAGY,

Petitioner.

On Petition for Writ of Mandamus. (CA-05-348)

Submitted: November 2, 2005

Decided: November 29, 2005

Before NIEMEYER and MOTZ, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Paul Nagy, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Paul Nagy petitions this court for a writ of mandamus seeking relief from orders entered in two district court proceedings. Additionally, Nagy asks this court to compel authorities at FCI-Butner to order certain medical tests or to transfer him to a facility in Massachusetts. We deny the petition.

Mandamus relief is available only when the petitioner has a clear right to the relief sought, the respondent has a clear duty to perform the act requested, and the petitioner has no other adequate remedy. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Mandamus is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). Mandamus may not be used as a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

Here, Nagy has not met the high standards for issuing a writ of mandamus. We accordingly deny the petition. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED